

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DAVID RUSSELL,

Plaintiff,

v.

JIMMY BOWMAN, ET AL.,

Defendants.

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Case No. 6:19-CV-314-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff David Russell, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 16, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 17), recommending that Defendants' motion to revoke Plaintiff's *in forma pauperis* status (Docket No. 14) be denied because the three-strikes statute does not apply. *Id.* at 2. The Magistrate Judge also recommended that Plaintiff's motion for Rule 11 sanctions (Docket No. 16) be denied. *Id.* A return receipt indicating delivery to Plaintiff was received by the Clerk on October 25, 2019 (Docket No.20).

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, neither party filed


objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 17) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 17) be **ADOPTED**. It is further

ORDERED that Defendants' motion to revoke Plaintiff's *in forma pauperis* status (Docket No. 14) is **DENIED** and Plaintiff's motion for Rule 11 sanctions (Docket No. 16) is **DENIED**.

So **ORDERED** and **SIGNED** this **27th** day of **November, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE